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| 10/634,116 | 08/04/2003 | Kenneth Roger Jones | 1033.SS00379 | 5754 |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2141 | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/634,116 | JONES ET AL. |
| | Examiner | Art Unit | |
| | Djenane M Bayard | 2141 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on _04 August 2003_.
2a) ☐ This action is **FINAL**.     2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) _1-30_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-30_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All  b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _8/4/03_.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.      Claims 1-10, 13-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over RFC

2516 in view of U.S. Patent Application No. 2002/0095299 to Iwakata.

a.      As per claim 1, RFC 2516 teaches a method for transmitting PPP over Ethernet.

Furthermore, RFC 2516 teaches generating a device identifier code in response to receiving a

point-to-point over Ethernet (PPPoE) packet communicated over the distributed network (See

page 3 and 4, section 4 and 5, The Source_Addr field contains the Ethernet MAC address of the

source device); broadcasting a point-to-point over Ethernet (PPPoE) active discovery initiation

(PADI) packet (See page 4 and 5, section5.1 The host sends the PADI packet with

Destination_Addr set to the broadcast address),; receiving a point-to-point over Ethernet

(PPPoE) active discovery offer (PADO) packet (See page 5, section 5.2, when the Access

Concentrator receives a PADI that it can serve, it replies by sending a PADO packet);

transmitting a point-to-point over Ethernet (PPPoE) active discovery request (PADR) packet in

response to receiving the PADO packet (See page 5, section, 5.3, The Host sends one PADR

packet to the access concentrator that it has chosen),; receiving a point-to-point over Ethernet

(PPPoE) active discovery session (PADS packet (See page 5, section 5.4, the Access concentrator replies to the host with a PADS packet); and conducting an Ethernet communication session. Furthermore, RFC 2516 teaches wherein the (PADI) and the (PADR) packets include a TAG of TAG_Type Service Name, indicating the service the host is requesting, and any number of other Tag types. However, RFC 2516 failed to specify wherein the PPPoE active discovery initiation (PADI) and the (PADR) packet includes a tag that specifically identifies a product model of a customer premises equipment device.

Iwakata teaches a customer information control system and customer information control method of electronic equipment. Furthermore, Iwakata teaches wherein the product identification information PII stored in the product identification information storing unit is the control information for identifying the individual products. For example, the product identification information PII includes the product model number, manufacturer's serial number, and the like which are provided in advance (at the shipment) in order to identify each client machine.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the PPPoE active discovery initiation (PADI) packet includes a tag that specifically identifies a product model of a customer premises equipment device as taught by Ikawata in the teaching of the RFC 2516 in order to provide a customer information control system for obtaining customer information of electronic equipment for preventing input error or false value entry of product identification information (See page 1, paragraph [0002]).

b.      As per claim 6, RFC 2516 teaches RFC 2516 teaches wherein the (PADI) and the

(PADR) packets include a TAG of TAG_Type Service Name, indicating the service the host is

requesting, and any number of other Tag types.  However, RFC 2516 failed to specify wherein

the PPPoE active discovery initiation (PADI) packet includes a tag that specifically identifies a

product model of a customer premises equipment device.

        Iwakata teaches a customer information control system and customer information control

method of electronic equipment.  Furthermore, Iwakata teaches wherein the product

identification information PII stored in the product identification information storing unit is the

control information for identifying the individual products.  For example, the product

identification information PII includes the product model number, manufacturer's serial number,

and the like which are provided in advance (at the shipment) in order to identify each client

machine.

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the PPPoE active discovery initiation (PADI) packet includes

a tag that specifically identifies a product model of a customer premises equipment device as

taught by Ikawata in the teaching of the RFC 2516 in order to provide a customer information

control system for obtaining customer information of electronic equipment for preventing input

error or false value entry of product identification information (See page 1, paragraph [0002]).


c.      As per claims 16, 21 and 24, RFC 2516 teaches receiving a point-to-point over Ethernet

(PPPoE) active discovery packet, wherein the PPPoE active discovery packet.  However, RFC

failed to teach wherein includes a tag that identifies a product model of a customer premises

equipment device; and determining the product model of the customer premises equipment

device based on the tag.

Iwakata teaches Iwakata teaches a customer information control system and customer

information control method of electronic equipment. Furthermore, Iwakata teaches wherein the

product identification information PII stored in the product identification information storing unit

is the control information for identifying the individual products. For example, the product

identification information PII includes the product model number, manufacturer's serial number,

and the like which are provided in advance (at the shipment) in order to identify each client

machine.

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the PPPoE active discovery initiation (PADI) packet includes

a tag that specifically identifies a product model of a customer premises equipment device as

taught by Ikawata in the teaching of the RFC 2516 in order to provide a customer information

control system for obtaining customer information of electronic equipment for preventing input

error or false value entry of product identification information (See page 1, paragraph [0002]).


d.      As per claims 2, 8 and 23, RFC 2516 in view of Ikawata teaches the claimed invention as

described above. Furthermore, RFC 2516 teaches wherein the host can attach a host_uniq tag to

any (PADI) or (PADR) packets (See page8, section HOST_uniq).

e.      As per claim 3, RFC 2516 in view of Ikawata teaches the claimed invention as described

above. Furthermore, RFC 2516 teaches wherein the device identifier code can be of any value

and length that the host chooses (See page 8, section Host_uniq).


f.      As per claim 4, RFC 2516 in view of Ikawata teaches the claimed invention as described

above. Furthermore, RFC 2516 teaches wherein the customer premises equipment is a device

that terminates PPPoE communications (See page 5, section 5.5).


g.      As per claim 5, RFC 2516 in view of Ikawata teaches the claimed invention as described

above. However, RFC 2516 failed to teach receiving a point-to-point over Ethernet (PPPoE)

active discovery packet that includes the tag and storing a device identifier code that identifies

the product model in a database.

Ikawata teaches receiving a point-to-point over Ethernet (PPPoE) active discovery packet

that includes the tag and storing a device identifier code that identifies the product model in a

database (page 4, paragraph [0079]).

It would have been obvious to one with ordinary skill I the art at the time the invention

was made to incorporate receiving a point-to-point over Ethernet (PPPoE) active discovery

packet that includes the tag and storing a device identifier code that identifies the product model

in a database as taught by Ikawata in the teaching of RFC 2516 to provide a customer

information control system for obtaining customer information of electronic equipment for

preventing input error or false value entry of product identification information (See page 1,

paragraph [0002]).

h.      As per claim 7, RFC 2516 in view of Ikawata teaches the claimed invention as described

above. Furthermore, RFC 2516 teaches generating a device identifier code in response to

receiving the PPPoE active discovery packet (See page 3, section 5).

i.      As per claims 9 and 19, RFC 2516 in view of Ikawata teaches the claimed invention as

described above. Furthermore, RFC 2516 teaches wherein the PPPoE active discovery packet is

a PPPoE active discovery initiation (PADI) packet (See page 4, section 5.1).

j.      As per claims 10 and 20, RFC 2516 in view of Ikawata teaches the claimed invention as

described above. Furthermore, RFC 2516 teaches wherein the PPPoE active discovery packet is

a PPPoE active discovery request (PADR) packet (See page 5, section 5.3).

k.      As per claim 13, RFC 2516 in view of Ikawata teaches the claimed invention as described

above. Furthermore, RFC 2516 teaches receiving a PPPoE active discovery packet (See page 4,

section 5.2)

l.      As per claim 14, RFC 2516 in view of Ikawata teaches the claimed invention as described

above. Furthermore, RFC 2516 teaches wherein the PPPoE active discovery packet received is a

PPPoE active discovery offer (PADO) packet (See page 5, section 5.2).

m.      As per claim 15, RFC 2516 in view of Ikawata teaches the claimed invention as described

above. Furthermore, RFC 2516 teaches wherein the PPPoE active discovery packet received is a

PPPoE active discovery session (PADS) packet (See page 5, section 5.3).


n.      As per claim 17, RFC 2516 in view of Ikawata teaches the claimed invention as described

above. However, RFC 2516 failed to teach wherein the step of determining further comprises

storing the product model of the customer premises equipment device in a database.

        Ikawata teaches wherein the step of determining further comprises storing the product

model of the customer premises equipment device in a database (See page 4, paragraph [0079]).

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the step of determining further comprises storing the product

model of the customer premises equipment device in a database as taught by Ikawata in the

teaching of RFC 2516 in order to store the product identification information and the personal

information included in the customer management information sent from the client machine (See

page 4, paragraph [0079])


o.      As per claim 18, RFC 2516 in view of Ikawata teaches the claimed invention as described

above. However, RFC 2516 failed to teach managing the database based upon the product

model of the customer premises equipment device.

        Ikawata teaches managing the database based upon the product model of the customer

premises equipment device (See page 4, paragraph [0079]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate managing the database based upon the product model of the customer premises equipment device as taught by Ikawata in the teaching of RFC 2516 in order to store the product identification information and the personal information included in the customer management information sent from the client machine (See page 4, paragraph [0079]).

p.    As per claim 22, RFC 2516 in view of Ikawata teaches the claimed invention as described above. Furthermore, RFC 2516 teaches wherein the device identifier field comprises a predefined binary number (See page 8, section host_uniq).

q.    As per claim 25, RFC 2516 in view of Ikawata teaches the claimed invention as described above. Furthermore, RFC 2516 teaches wherein the point-to-point connection is a point-to-point over Ethernet (PPPoE) connection (See page 2, section introduction).

r.    As per claim 26, RFC 2516 in view of Ikawata teaches the claimed invention as described above. Furthermore, RFC 2516 teaches wherein the access concentrator is a broadband remote access server (See page 2, section introduction)

s.    As per claim 27, RFC 2516 teaches a data packet for use in a distributed network, the data packet comprising: an Ethertype payload field including a host-uniq tag. However, RFC 2516 failed to teach wherein the value indicating a model type of a digital switching device.

Ikawata teaches Iwakata teaches Iwakata teaches a customer information control system and customer information control method of electronic equipment. Furthermore, Iwakata teaches wherein the product identification information PII stored in the product identification information storing unit is the control information for identifying the individual products. For example, the product identification information PII includes the product model number, manufacturer's serial number, and the like which are provided in advance (at the shipment) in order to identify each client machine.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the PPPoE active discovery initiation (PADI) packet includes a tag that specifically identifies a product model of a customer premises equipment device as taught by Ikawata in the teaching of the RFC 2516 in order to provide a customer information control system for obtaining customer information of electronic equipment for preventing input error or false value entry of product identification information (See page 1, paragraph [0002]).


t.      As per claim 28, RFC 2516 in view of Ikawata teaches the claimed invention as described above. Furthermore, RFC 2516 teaches a service provider destination address, the service provider destination address associated with a destination node within the distributed network (See page 3, section 4; and a service provider source address, the service provider source address associated with a storage device at a source node within the distributed network (See page 3, section 4).

v.        As per claim 29, RFC 2516 in view of Ikawata teaches the claimed invention as described

above.  Furthermore, RFC 2516 teaches wherein the distributed network is an Ethernet

distributed network (See pages 1 and 2, section applicability and introduction).

w.   .   As per claim 30, RFC 2516 teaches the claimed invention as described above. However,

RFC 2516 failed to teach wherein the model type of the digital switching device is a nine bit

binary device identifier code associated with customer premises equipment.

Ikawata teaches wherein the model type of the digital switching device is a nine bit

binary device identifier code associated with customer premises equipment.

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the model type of the digital switching device is a nine bit binary

device identifier code associated with customer premises equipment as taught by Ikawata in the

teaching of RFC 2516 in order to provide a customer information control system for obtaining

customer information of electronic equipment for preventing input error or false value entry of

product identification information (See page 1, paragraph [0002]).

5.    .   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over RFC

2516 in view of U.S. Patent Application No. 2002/0095299 to Iwakata as applied to claim 6

above, and further in view of U.S. Application No. 2004/0071133.

a.      As per claim 11 and 12, RFC 2516 in view of Ikawata teaches the claimed invention as

described above.  However, RFC 2516 in view of Ikawata failed to teach wherein the customer

premises equipment device is a router or a switch.

Yusko et al teaches wherein the CPE can a router or a switch.

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the CPE can be a router or a switch in order to have default

configuration that automatically attempts to connect to the remote server (See page 1, paragraph

[0002]).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

U.S. Patent No. 6,496,859 to Roy et al teaches a system for network device location.

U.S. Patent No. 6,327,511 to Naismith et al teaches an input/output scanner for a control

system with peer determination.

U.S. Patent Application No. 2004/0105444 to Korotin et al teaches an auto-configuration

of broadband for one of a plurality of network communication protocols.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M Bayard whose telephone number is (571) 272-3878.

The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Djenane Bayard

Patent Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER